

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA**

CITY OF CHARLESTON,

Plaintiff,

v.

Civil Action No. 2:20-cv-03579-RMG

BRABHAM OIL COMPANY, INC.;
COLONIAL GROUP, INC.; ENMARK
STATIONS, INC.; COLONIAL
PIPELINE COMPANY; PIEDMONT
PETROLEUM CORP.; EXXON MOBIL
CORPORATION; EXXONMOBIL OIL
CORPORATION; ROYAL DUTCH
SHELL PLC; SHELL OIL COMPANY;
SHELL OIL PRODUCTS COMPANY
LLC; CHEVRON CORPORATION;
CHEVRON U.S.A. INC.; BP P.L.C.; BP
AMERICA INC.; MARATHON
PETROLEUM CORPORATION;
MARATHON PETROLEUM
COMPANY LP; SPEEDWAY LLC;
MURPHY OIL CORPORATION;
MURPHY OIL USA, INC.; HESS
CORPORATION; CONOCOPHILLIPS;
CONOCOPHILLIPS COMPANY;
PHILLIPS 66; AND PHILLIPS 66
COMPANY,

Defendants.

STIPULATION TO SET BRIEFING SCHEDULES AND PAGE LIMITS

WHEREAS, on September 9, 2020, Plaintiff, the City of Charleston (“Plaintiff”), filed a 137-page complaint against 24 Defendants (“Defendants”) in the Court of Common Pleas, Ninth Judicial Circuit, No. 2020-CP-10-03975, Charleston County, State of South Carolina;

WHEREAS, on October 9, 2020, Defendants Chevron Corp. and Chevron U.S.A., with the consent of all Defendants, timely removed this action from South Carolina state court to this Court.

The removal notice is 128 pages, with an additional 823 pages of exhibits (excluding a copy of Plaintiff's complaint);

WHEREAS, Plaintiff filed a Motion to Remand on February 26, 2021, Dkt. 103, which Defendants opposed on April 7, 2021, Dkt. 111;

WHEREAS, on August 22, 2022, the Court "direct[ed] the parties to submit renewed briefing" on the Motion to Remand, and to do so "in accordance to an agreed schedule," Dkt. 134;

WHEREAS, the Parties have met and conferred and agreed on a briefing schedule;

WHEREAS, this stipulation does not operate as an admission of any factual allegation or legal conclusion and is submitted subject to and without waiver of any right, defense, affirmative defense, claim, or objection, including lack of subject matter jurisdiction, or lack of personal jurisdiction, insufficient process, or insufficient service of process;

NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED THAT THE PARTIES SHALL JOINTLY REQUEST AN ORDER OF THE COURT PROVIDING:

1. Plaintiff's Renewed Motion to Remand, which shall not exceed 35 pages, excluding any exhibits and other supporting materials, shall be due by September 27, 2022.
2. Defendants shall coordinate their efforts to file a single Renewed Consolidated Opposition to Plaintiff's Renewed Motion to Remand, which shall be due by November 1, 2022, and shall not exceed 35 pages, excluding any exhibits and other supporting materials.
3. Plaintiff's Reply in support of its Renewed Motion to Remand shall be due by November 22, 2022, and shall not exceed 15 pages.
4. Defendants do not, by agreeing to the procedures herein to have the Court consider and adjudicate the Renewed Motion to Remand prior to any further proceedings, waive their objections to personal jurisdiction. Plaintiff agrees that it will not assert in federal or state court that

there has been any waiver of personal jurisdiction because of the Parties' agreement to have the Court consider and adjudicate the Renewed Motion to Remand prior to the filing of Motions to Dismiss.

5. If the Court denies Plaintiff's Renewed Motion to Remand, Defendants will file any Motions to Dismiss within 60 days of an Order denying the Renewed Motion to Remand. The Parties will also promptly meet and confer regarding an appropriate briefing schedule for Oppositions and Replies and page limits for Motions to Dismiss briefing and will endeavor to jointly submit a proposal to the Court within 10 days of the Court's order denying Plaintiff's Renewed Motion to Remand. If the Parties are not able to agree on a proposed briefing schedule, they will submit separate proposals to the Court. In the event the Renewed Motion to Remand is granted, the Parties have agreed to request the same deadlines from the South Carolina Court of Common Pleas.

6. None of the properly served Defendants are required to file Answers or Motions to Dismiss or otherwise respond to the Complaint until, and in accordance with, the entry by the Court of a schedule for briefing Defendants' Motions to Dismiss. Defendants' obligation to respond to Rule 26.01 Interrogatories shall be deferred until the Court has ruled on Plaintiff's Renewed Motion to Remand.

7. Defendants reserve the right to seek an extension of time to respond to the Complaint and the Parties reserve the right to request that the Court stay proceedings (and reserve the same rights as to the South Carolina Court of Common Pleas in the event the Renewed Motion to Remand is granted).

8. Parties also request that the deadline to serve Rule 26(a) Initial Disclosures and the issuance of a Rule 16(b) Scheduling Order be stayed until after the Court has ruled on the Renewed Motion to Remand.

Respectfully submitted,

Dated: September 1, 2022

By: /s/ Joel H. Smith
Joel H. Smith

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